0.14.15.26

(1)

DRURY-HOUSE
Nobly declared.

To the Parliament of the Commonwealth of England, Scotland, *and* Ireland, *&c.*

The humble Petition of *William Fervis* Gent.

SHEWETH,

THat your petitioner having taken notice of the fraudulent actings of the Truſtees impowered by three ſeveral Acts of Parliament, for ſale of Lands and eſtates forfeited to the Commonwealth for Treaſon, and of the great damage which hath accrued to the Commonwealth thereby, He conceives himſelf bound to diſcover the breach of publick truſt by the ſaid Truſtees to this honourable aſſembly.

That if your Honours ſhall pleaſe to authorize ſome fit and able perſon to examine witneſſes upon oath, and hear all the proofs of the actings of the ſaid Truſtees, contrary to the Laws by which they were impowered; It will appeare that the ſaid Truſtees have contracted with ſeveral purchaſers, under the values returned in the reſpective ſurveys; and have antedated and altered Several Contracts to the publick prejudice: and have reprized unto purchaſers without any ſufficient authority, & contrary to their Truſt, above one hundred and forty thouſand pounds; and have aſſumed ſeveral powers not committed to them by the ſaid Acts; and have received ſeveral thouſands of pounds into their own purſes not allowed them by the ſaid Acts, and have many other ways acted contrary to their Truſt.

The particulars whereof, and the proofs, your petitioner ſhall be ready to give in to ſuch worthy perſons as ſhall be authorized by your Honours to hear the ſame.

Your petitioner therefore moſt humbly prayes that the breaches of publick Truſt by the ſaid Truſtees may be examined, and juſtice done therein unto all parties, and to the Commonwealth, in ſuch wayes as to your grave Wiſdom ſhall ſeem beſt.

And your Petitioner ſhall alwayes pray, &c.

A *Friday*

411-14

Friday the third of October, 1656.

THe humble Petition of *William Jervis* Gent. was this day read.

Reſolved upon the Queſtion by the Parliament, That the Petitioner *William Jervis* be called in, to ſee if he will avow this Petition.

The ſaid *William Jervis* came to the Bar of this Houſe accordingly; and being at the Bar, the Petition was ſhewed unto him: and being demanded whether it was his name ſubſcribed to the ſaid Petition, he did avow the Petition, and the matters therein contained: and thereupon, was commanded to withdraw.

Ordered by the Parliament, That a Committee be appointed to examine the matters complained of in this Petition (*viz.*)

Mr. *Bond.*
Maj. Gen. *Butler.*
Maj. Gen. *Whalley.*
Col. *Pitz-James.*
Sir *Samuel Sleigh.*
Sir *William Roberts.*
Maj. Gen. *Goff.*
Mr. *Williams.*
Col. *Row.*
Mr. *Bamfield.*
Maſter of the Rolls.
Capt. *Haiſal.*
Mr. *Fleetwood.*
Mr. *Waller.*
Lo: chief Juſtice *Glyn.*
Col. *Twiſleton.*
Mr. *Clud.*
Mr. *Thomas Gorges.*
Col. *Blake.*
Mr. *Bodurda.*
Col. *Bethel.*
Col. *Hatcher.*
Col. *Sydenham.*
Col. *Coker.*
Lord *Euers.*
Sir *Chr. Pack.*
Major *Jenkins.*
Col. *Beomond.*
Col. *Shapcot.*
Col. *Groſvener.*
Capt. *Blackwel.*
Col. *Winthorp.*
Col. *Crompton.*
Maj. Gen. *Deshrow.*
Capt. *Baynes.*
Mr. *Robinſon.*
Maj. Gen. *Bury.*
Alderman *Foot.*
Mr. *William Laſher.*

And are to meet in the Starchamber at two of the clock this afternoon, with power to ſend for Papers, Perſons, Witneſſes and Records.

Ordered, That power be given to this Committee to examine the actions of the Officers for ſale of the ſaid Lands.

Ordered, That
Mr. Attorney-General,
Mr. Solicitor-General,
Mr. *Whiteway*,
Capt. *Bradshaw*,
Capt. *Stone*,
Mr. Recorder of *London*,
are added to this Committee.

Reſolved

Resolved, That a Committee be appointed to prepare a Bill to confirm the sale of Estates made to Purchasers in pursuance and according to Acts and Ordinances of Parliament.

Ordered, That the Committee to whom the Petition of *William Jervis* was referred, shall be the Committee for this purpose; and

Lord *Whitlock*,
Mr. *Den*,
Col. *Carter*,
Sir *Gilbert Piskering*,
Lord *Lambert*,
Mr. *Charles Lloyd*,

are added to this Committee.

Ordered, That the abuses and breaches of trust in the sale of any Lands sold by the Parliament, be referred to the same Committee to examine the same.

Decemb. 2, added to this Committee (*viz.*)

Mr. *Cole*,
Mr. *Cobb*,
Maj. Gen. *Burry*,
Maj. Gen. *Packer*,
Col. *Salmon*,
Mr. *Heley*.
Col. *Cooper*.
Sir *Richard Onslow*.
Mr. *Perkham*,
Mr. *Stapley*.

Hen. Scobell, Cler. of the Parliament.

The CASE of the Trustees at Drury-house, *and the Injuries by them done to the Commonwealth; as hath been proved in many Particulars, of which the ensuing are onely Examples: and the constant practices in hundreds of Cases of the like kinde, was offered to be proved at the Committee of Parliament sitting in the Dutchy Court at* Westminster; *who thought fit to hear some of them onely, for their present information: of which, these are but 4 few.*

WHereas by the Act of Parliament, the Trustees are tyed up to contract at the values in the Particulars drawn out of the Surveyes, and not under the rates limited in the Act; Yet the Trustees after contract made, did usually and constantly Arbitrarily abate, Allow, and Deduct to the Purchasors out of the Grosse sums, what they pleased, without Order from the Commissioners for Removing of Obstructions, who by the Act of Parliament have sole Power therein.

Instance in these Particular Cases proved: *Viz.*

They abated to *William Clayton* after contract, two several summes of 700 *l.* and 750 *l.* out of his Purchase-money for the Manner of *Barley*, late parcel of the Estate of *William* Earle of Newcastle, without Order.

Abated

Abated to Mr. *Hildesley*, after Contract, out of his Purchase-money, for the Mannor of *Ascot Doyley*, in *Com. Oxon.* without Order, the summe of 1268 *l.*

Abated to Mr. *Foxley* and others, out of *Giffords* Woods, in Stafford-shire, 2500 *l.* after contract, without Order.

And in many other Cases proved and confest by the said Trustees; there being of this nature about one hundred thousand pounds more delivered to the Commitee in writing, and returned to the Petitioner without Examination.

This Arbitrary power of theirs, against the Law, hath been exercised onely in Diminution of the Interest of the Commonwealth; and many score Thousands of pounds they have thus given away; and no better Reasons or Grounds for the particular abatements, then *Viz.* 1. for Over-valuations. 2. Bad bargains; as Rotten houses, *&c.* 3. when the thing purchased, after Contract, hath suffered by Fire or Water. 4. Or upon false grounds; as in that Case before recited of Mr. *Hildesley*'s 1268 *l.* because the Woods in the purchase (as they alledged) was in a Forest: when Mr. *Jenkinson*, (a Member then accidentally present) did affirm the Lands were out of the Forest; and that the Forest it self was dissaforested long before the War.

They sold Lands for lesse years purchase then was offered, and then the Witnesses before the Commitee did affirme, they would have given, and did profer.

Instance Mr. *Lawrence Davis* (a Tenant in the Strand) proved he offered 18 years purchase for his house; and they refused him, and sold it for 14 years and a half to *Foxley* and other Officers: And the said *Davis* afterwards gave to the Purchaser of his house, so much as he before offered; else should have gone without it.

Mr. *Robert Wakeman* proved he offered and would have given 20 years purchase for the Mannor of *Mytbrooke* (being formerly his Ancestors) and they sold it for 16 years and a half.

Captain *Botesford* proved to the Committee, that he offered, and would have given 10000 *l.* for the Mannor of *Harlington*; and they sold it for 5046 *l.* and but for a Debt: and so they must needs give a Creditor as much more for the Debt, as it was in value.

Observe their grand mystery of this mistake to the Commonwealth upon the reason they give to justifie themselves in so doing.

They say, Because more was bid at the Box, and at that time they said they could not sell it to those that would really have given more then it was sold for.

A strange Argument! could not they have found out the real Purchaser, that would have given most at that time; and then contracted with him? And if he had not paid in the first moyety of his Purchase-money in Eight Weeks, he was to forfeit by the Act (*fol.* 14021.) a third part of the whole Purchase-money out of all his Estate, and then they are free to sell the same Lands againe.

This was the opportunity that made all their Officers and relations to become Purchasers and sollicitors, and thereby hath damaged the Commonwealth vast sums of money.

The

The Truſtees have ſold many great Eſtates of the Delinquents in Reverſion; and the Leaſes and particular Eſtates have had no other Teſt but itinerant Surveyors, who in the Surveyes mention the ſaid Leaſes to be onely produced to them.

1. That the Law is direct, that all Eſtates to be allowed, are to be allowed onely by the Commiſſioners for Removing of obſtructions, as in fol. 1374.

2. The Delinquents had Ten years time to make fraudulent Leaſes and Conveyances.

3. The Leaſes produced might be antedated, Fraudulent, or in truſt for the Delinquents, and the moſt difficult thing to find out.

This queſtionleſſe hath dampnified the Commonwealth above a Million of Money.

The Truſtees by the Law (fol. 1396.) had power onely to receive two pence in the pound, as the Commonwealth received it, and not otherwiſe: this would clearly have advanced them twenty thouſand Pounds: But they took two pence in the Pound for all Debts allowed, contrary to the Law: which hath been worth to them forty thouſand Pounds more.

Inſtance: Mr. *Wakeman* proved that they had 75 *s.* 2 *d.* upon a Leaſe where the Commonwealth had but twenty ſhillings. And how they Reprized with a Conveyance, which ſhould have been onely by way of allowance.

In Mr. *Chadwicks* caſe, who had a Reprize by Order of the Commiſſioners for Removing Obſtructions; yet the Truſtees keepe back his twopences; which comes to about 30 *l.*

And in Mr. *Auſtins* caſe 15 *s.* in Twopences with they received of him, for ſetting out Land in ſatisfaction of his Debt.

1. WHatſoever the Parliament may pleaſe to do with the Truſtees, Yet remember that the Purchaſers, to whom they have Arbitrarily abated, againſt the Law, after contract, ſtand Debtors to the Commonwealth for that money: which comes to great ſums.

2. The Leaſes by which poſſeſſion of Delinquents Eſtates is retained, are void by the Act: theſe Eſtates are of great concernment.

3. The power of the Committee of Obſtructions is ſo plain in the Act, as to the allowance of Eſtates claymed, that it is highly to be ſuſpected, that all, or moſt part of Leaſes, are fraudulent and antedated, or in truſt for the Delinquents; or elſe they would not have hazarded their Eſtates and Leaſes, which are voyd, for not being allowed by the Committee for removing of Obſtructions; as by the Act (fo. 1374)

So it is ſubmitted to the Judgement of all unbyaſſed men, whether the Truſtees are, or can be thought to have diſcharged their truſt; or to the contrary: who inſtead of ſerving the Commonwealth, by advancing their Revenue, have made it their buſineſs to leſſen it, to a far greater damage, then what is ſuggeſted by the Petitioner.

The

The Trustees at Drury-house, their interests in Estates forfeited to the Commonwealth for treason.

16 Julij, 1651.

IT is enacted, That all the Mannors, Lands, Tenements and Hereditaments, with their appurtenances whatsoever, which the Traytors (named in the Act) or any of them, or any for their use, or in trust for them or any of them, were seized or possessed of, in possession, reversion or remainder, on the 20 day of May, 1642. *or at any time since; and all Rights of Entry,* &c. *be and are hereby vested, setled, adjudged and deemed to be, and are hereby in the real and actual possession and seizin of the Trustees, the Survivor and Survivors of them, and their Heirs, and Assigns,* &c. *to be holden in free and common soccage by fealty only,* &c. *saving to all and every person,* &c. *other then the Traytors, and all claiming from, by or under them, or any of them, or to their use, or in trust for them or any of them, since the 20 of* May, 1642. *all such Estates, Interests, Rents, Incumbrances, Charges, Rights in Law or Equity, which they or any of them, had, or ought to have had, in or to the said Mannors, Lands, Tenements or Hereditaments, or any of them before the said 20 day of* May, 1642. *as also all Estates, given, granted, demised, allowed of, or confirmed by Act of Parliament, Order, or Ordinance, or lawful Authority derived from them, to any person or persons; if such person or persons, their Heirs, Executors, Administrators or Assigns, do make his or their Right, Title, Interest, Claim, Demand, Incumbrance or Estate in Law or Equity appear: and shall obtain an allowance thereof before the Committee for removing Obstructions; who are constituted to receive such Claims in writing, and to examine, allow, judge, and determine the same by proof upon Oath, which they had power to administer at or before the first day of* Decem. 1651. *whose judgement and determination shall stand good according to the tenor and purport thereof; which judgment being transmitted to the Trustees, they are to enter, and observe accordingly.*

Obj. *But the Parliament by this Act, vested in the Trustees no more then the Traytor had: and 'twere unjust for the innocent to be punished for the nocent.*

Answ. The Parliament intended not only the Delinquents Estates to be in the Trustees; but all the Mannors, Lands *&c.* which they had 20 *May*, 1642. Now that they might not be deceived by false pretences and clandestine Deeds, they put a burden upon the people in general, for a common good, to make out their Titles before lawful judicature, that nothing might be swept away from them.

1. For the Parliament could by no ther means or way, know what they had to sell, it not being with Delinquents Estates, as Bishops, Deans and Chapters, Kings Lands, *&c.* these Lands might, by pocket-conveyances, be charged, incumbred or conveyed away, whilst the other had their Records, which every one might repair to.

2. The Parliament could not other way prevent fraudulent Estates, which they had strong reason to suspect would be used by the Heirs of Delinquents Tenants; nay, the persons themselves in the sale of the other Estates, where the Surveyors might allow the persons whose Lands were sold, could get no benefit by any sinister means; for they had no Heirs nor Successors, Kindred nor Allyance; and by consequence, no ground of suspicion of fraud: shall it now be conceived hard measure for a publick good, to impose a little trouble to particular persons, to make claim before a judicature? I trow not.

3. The Parliament could make no secure Estate of what for present did appear they had to sell, for, might it not be taken away the next yeer, or twenty yeers after, the sale of this certainty had not been made in the way.

4. No person would otherwise lend money, (which was the Parliaments intention to raise) unless they might know their security: which could not be otherwise then by every man making claim.

For Statutes are taken before the Major of *Bristol, Glocester, York*, &c. and lenders must have travelled to all places to search if this had not been: And was it not well known, that Delinquents would use their wits to deceive the State? & is it not evident, that many whose estates were sold, have as good or better means then formerly, though they compounded, *&c.*

Add

Add to this the neceſſity of an immediate ſale, and that Delinquents might not have time to ſtudy cheats; and in this the Parliament did no wrong to any? for all rights were ſaved, if the parties would not make default. But is this hard meaſure? Conſider the Statute about Fines, (whereof Proclamation is only made at *Weſtminſter*) If an Heir claim not in five yeers, he is debarred; and upon this very Law are moſt Eſtates in *England* grounded. But an Act of Parliament is publick to all the Nation, and men are bound to take notice of it: and this for Delinquents Lands none more lookt after, yee did the Parlia. give ſeveral days for allowance of claims.

To make it evident, That the Truſtees had no power to allow of claimes: conſider further:

1. What they had by the Act; All Eſtates of the Delinquents were conveyed to them, and ſo nothing could be taken out of them, but what is included within the ſaving, and upon performance of condition alſo. Now except the Truſtees can finde another ſaving in the Act, they could not paſs away any Eſtate veſted in them upon valuable conſiderations, unleſs ſuch as were in the firſt ſaving: ſo that what the Truſtees have reprized without Order, is ſo much given away.

Object. *But the Truſtees did allow nothing but what was right.*

Anſw. Is it enough for them to uſurp a Judicature, and then ſay, they have done nothing but what is juſt? ſhall a Judge take upon him the power of a Jury, or a Jury a Judge? was not this a *præmunire*? Is not Power the great thing contended for in the world? and may not the Truſtees ſay to one to whom a reprize is by them granted, We will ſecure you from queſtion, for we have power to do it? What would thouſands give for a power to take away the Act about Fines, and no Claim? but theſe Gent. have aſſumed a power to allow either that which is not right, or what was neglected to be claimed, or to ſuch parties who durſt not endure the trial of examination by teſtimony upon oath before the Committ. for removing obſtructions.

Obj. *But 'twas no preſjudice to the publick. The Truſtees allowed reprizes; for if they had not, others would.*

Anſw. 1. If they had not, no body could.

2. Is Allegation a proof? The Truſtees had no power to adminiſter an Oath; will not any man ſay, That's right which I have done?

3. Are not a thouſand Leaſes, &c. counterfeited or made ſince 1642. or antedated, and ſhall a man judge that to be right, becauſe another ſays ſo?

4. It is to be preſumed not one allowed by the Truſtees is juſt, becauſe it was without a lawful power: is not he that comes in at a window a thief?

Object. *But 'tis hard that ſome men ſhould loſe their eſtates for not claiming and obtaining Order from the Committee for removing obſtructions.*

Anſw. Had they any? nay, it is to be believed they had none, for what they have done by an extra judicial allowance.

Object. *But Purchaſers will be undone if the reprizes granted by the Truſtees ſhould not continue.*

Anſw. That's a grand miſtake: for,

1. No reprize is conveyed, but ſo much ſaved out of the purchaſe.

2. Is it not juſt ſome ſhould enquire into ſuch allowances?

3. It was the intent of the Parliament, That all claims ſhould be put and allowed before any ſurvey was returned, and ſo they were generally. What then have the Truſtees to do, to meddle with them, unleſs it be to ſay as *Abſalom* did, he would be more juſt than his Father *David*? ſhall the wiſdom of a State be controlled by their ſervants? what the conſequences of that would be, is humbly ſubmitted to judgement, with what hath been before ſaid.

In Reply to that Anſwer of the Truſtees, wherein they and others on their behalf, ſay, That the Petitioner Will. Jervis *charged them with ſixteen hundred thouſand pounds, that it is more than ever they were intruſted withal: it is averred, That out of neer eight hundred perſons eſtates ſold at Drury-houſe, many of them ſtill by ſold will amount to far above the ſaid ſum: as for example:*

Nineteen Delinquents Eſtates in the firſt Act, worth *per annum*, and ſold:		Six Delinquents Eſtates in the ſecond Act, worth *per annum*.	
Sir *John Stawel*, above	06000	*William*, Lo. *Craven*, above	25000
Geo. Duke of *Bucks*, above	04000	*Peter Gifford*, above	02000
John Earl of *Briſtol*, &c.	02000	*Walter Fowler*, above	01600
Will. E. of *Newcaſtle*, above	15000	*Thomas Cliſton*, above	01200
Sir *John Culpepper*, above	01000	Sir *Edward Radcliff*, above	02000
		Sir *Walter Farnſw*, above	02500

Eſta-

Edw. Ea. of *Worcester*, above	17000
Sir *John Winter*, above	03000
Mar. of *Winchester*, above	18000
Sir *Ralph Hopton*, above	02000
Earl of *Castlehaven*, above	04000
James Bunce, above	01000
Charls Townly, above	02000
David Jenkins, above	01000
Earl of *Chesterfield*, above	06000
Sir *John Somerset*, above	01500
Sir *Percy Herbert*, above	01000
Rawland Eyre, above	01500
Cuthbert Morley, above	01000
James Ea. of *Derby*, above	15000

Fifteen Delinquents estates in the third Act, sold, and worth *per annum*

Sir *Thomas Aston*, above	00600
Richard Edgerton, above	02500
Fran. Gamwel, above	00500
Sir *Charls Howard*, above	00800
Cuthbert Collingwod, above	00600
Sir *William Fennick*, above	00700
Hen. Lor. *Arundel*, above	05000
Hen. Lord *Morley*, above	02000
Charls Gerrard, above	00700
William Sheldon, above	04500
Sir *Andrew Young*, above	00400
Lawrence Sayer, above	00500
Sir *Baynham Throgmorton*	00400
Sir *Nich. Thornton*, above	00700
William Chilcot, above	00800
Sum----	157000 *per ann.*

Memorand. These Estates were sold some at 10 years purchase, some at 11 12, 13, 14, 15, 16, 17, 18, 19 20 years purchase, and upwards. But admit they were all sold but at twelve years purchase one with another; the Purchase-money of these fourty persons estates at that rate, doth amount to 1884000 *l.* and this averred to be within compass; take the said Estates all together. So that by these few Estates it plainly appeareth, that their allegation is false. Besides, there are above 700 persons estates more sold at *Drury*-house, of very considerable value.

Memorand. The Purchaser pays in half Money and half Bills: the Bills they buy for 2 *s.* 8 *d.* 12 *d.* 6 *d.* and sometimes for 4 *d.* in the pound. But admit all at 2 *s.* in the pound, the purchaser hath 40 *s.* worth of land for 22 *s.* and gives but 12 years purchase neither: which comes not to seven years purchase for Fee-simple.

That price of bloud is brought to a Groat in the pound, by reason of these great Cheats and forgers of Bills, which still go unpunished.

The names of certain Officers at Drury-house *Imployed by the Trustees, or nominated in the Acts for sale of Delinquents estates forfeited to the Commonwealth for treason, being above 780 persons: of which there are above 20 Dukes, Marquesses, Earls and Lords; about 70 Knights and Baronets, above 500 Esquires and Gentlemen of great estates, and the rest considerable when under Sequestration: which said Officers have contracted for great Revenues, being put all together with the Trustees when first they were employed, were not worth any thing, if their debts had been satisfied.*

Impr. *Ralph Darnel* their Register, above	02000
Sam. Faxley his Clerk of the Surveys, ab.	25000
Edw. Took his Deputy-Register, above	04000
John Baker Surveyor general, above	05000
Edw. Green Regist. Accomptant, above	08000
Joh. Borrodal Dep. Treasurer, above	00300
Jo. Martin, Clerk under M. *Darnel*, abo.	00400
Thb. Hartley the House-keeper, above	06000
Hopkins, Mills, & Howet their doork. &c.	07000
Edw. Trusteen, Mr. *Beely*'s man, above	01000
Isaac Morgan, once Maj. *Robins*, man, ab.	06000
George Billinghurst their Secr. above	00100
Joh. Smith, Clerk of Contracts, above	00400
Broome Foxley Clerk, above	00200
Mrs. *Latham* that dress their victuals, ab.	00120
And some five other Agents, who made it their daily practice, both by themselves and servants, who purchased above	50000
Sum is	115520 *l. per annum.*

Memorand. Most of all these persons were eminent Sollicitors, and great buyers of Bills and Debenters, and applied many thousand pounds of Debenters to their Purchase, whereof many have since proved to be false, forged, or formerly sold, and applyed to former Purchases: and these estates for the most part contracted for privately, and not according to the Act; and many other great estates (not mentioned in this Paper) contracted for by the Trustees fathers, brothers, &c. which if truely examined, it will undoubtedly appear, that they were bought in trust for the said Trustees themselves.

It is also averred, that both the yearly values, and the gross sums, do far surmount the values in the particulars here mentioned.

Signed by me *John Hodder*.

FINIS.

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